



General Assembly

**Substitute Bill No. 706**

January Session, 2011

\* \_\_\_\_SB00706TRA\_\_032111\_\_ \*

**AN ACT CONCERNING MUNICIPAL AUTOMATED TRAFFIC  
CONTROL SAFETY DEVICES AT CERTAIN INTERSECTIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) As used in this section  
2 and sections 2 to 4, inclusive, of this act:

3 (1) "Automated traffic enforcement safety device" means a device  
4 that (A) is capable of producing a photographically recorded still or  
5 video image, or combination thereof, of the rear of a motor vehicle or a  
6 motor vehicle being drawn by another motor vehicle, including an  
7 image of the vehicle's rear license plate; and (B) indicates on one or  
8 more of any such image produced, the date and time, and the location  
9 of violation and the traffic control signal;

10 (2) "Owner" means a person or persons in whose name a motor  
11 vehicle is registered under title 14 of the general statutes, or under the  
12 laws of another state or country; and

13 (3) "Vendor" means a person who: (A) Provides services to a  
14 municipality under sections 2 to 4, inclusive, of this act; (B) operates,  
15 maintains, leases or licenses an automated traffic enforcement safety  
16 device; or (C) is authorized to review and assemble the recorded  
17 images captured by the automated traffic enforcement safety device,  
18 provided none of these activities shall be construed by the state or a

19 traffic authority as providing or participating in private investigative  
20 services.

21 Sec. 2. (NEW) (*Effective October 1, 2011*) (a) A municipality with a  
22 population greater than sixty thousand, with the authorization of its  
23 chief executive officer and legislative body, may authorize the use of  
24 automated traffic enforcement safety devices to enforce the provisions  
25 of section 14-299 of the general statutes, within such municipality.

26 (b) Before enforcing an ordinance adopted under this section, the  
27 municipality shall install advance warning signs along all approaches  
28 of the roadways preceding the intersection at which an automated  
29 traffic enforcement safety device is located. The advance warning signs  
30 shall notify motorists of the existence of the automated traffic  
31 enforcement safety device.

32 (c) Any ordinance adopted under this section shall specify the  
33 following: (1) That the owner of a motor vehicle commits a violation of  
34 the ordinance if the automated traffic enforcement safety device  
35 produces a recorded image or images of a motor vehicle, or a motor  
36 vehicle being drawn by another motor vehicle proceeding through an  
37 intersection in violation of the provisions of section 14-299 of the  
38 general statutes; (2) that the owner of a motor vehicle establishes a  
39 defense if the person identified as having the care, custody or control  
40 of the motor vehicle, or identified as the operator of the motor vehicle  
41 at the time of the violation, is not the owner; (3) that payment of a  
42 penalty and associated costs and fees imposed for a violation of an  
43 ordinance adopted under this section may be made by electronic  
44 means; and (4) that a local police officer or a designated employee of a  
45 vendor shall review and approve the recorded image or images before  
46 the notices referred to in subsection (e) of this section are mailed to the  
47 owner of the motor vehicle, or the motor vehicle being drawn by  
48 another motor vehicle.

49 (d) An ordinance adopted under this section: (1) Shall impose a civil  
50 penalty equal to the greater of one hundred twenty-four dollars or the

51 maximum penalty permitted for a violation of an ordinance adopted  
52 under this section; (2) may impose fees associated with the electronic  
53 processing of the payment of the civil penalty imposed for a violation  
54 of such ordinance; and (3) shall provide that the civil penalty imposed  
55 for a violation of such ordinance may be applied to defray the costs of  
56 the installation, operation and maintenance of the automated traffic  
57 enforcement safety device and program and that the remaining funds  
58 shall be distributed as follows: (A) Seventy per cent shall be deposited  
59 in the general fund of the municipality or in any special fund or  
60 account of the municipality, as determined by the chief executive  
61 officer and legislative body, (B) fifteen per cent shall be paid to the  
62 State Treasurer for deposit in the General Fund and shall be credited to  
63 the appropriation for the Department of Social Services, for Services  
64 for Persons with Disabilities, Traumatic Brain Injury, and (C) fifteen  
65 per cent shall be paid to the State Treasurer for deposit in the Special  
66 Transportation Fund.

67 (e) The municipality or its authorized agent shall mail to the owner  
68 of a motor vehicle or a motor vehicle being drawn by another motor  
69 vehicle, committing a violation of an ordinance adopted under this  
70 section, notice of the ordinance violation by first class mail postmarked  
71 not later than thirty days after obtaining the name and address of the  
72 owner of the motor vehicle, but not more than sixty days after the date  
73 of the alleged violation. The notice shall include the following: (1) The  
74 name and address of the owner of the motor vehicle, or the motor  
75 vehicle being drawn by another motor vehicle; (2) the license plate  
76 number of the motor vehicle or the motor vehicle being drawn by  
77 another motor vehicle; (3) the violation charged; (4) the location of the  
78 intersection and the date and time of the violation; (5) a copy of or  
79 information on how to view, through electronic means, the recorded  
80 image described in this section; (6) a statement or electronically-  
81 generated affirmation by a designated employee of a vendor, or local  
82 police officer, who has reviewed the recorded image described in this  
83 section and determined that the motor vehicle violated the ordinance;  
84 (7) the amount of the civil penalty imposed for the violation; and (8)

85 the date by which the civil penalty shall be paid if the owner of the  
86 vehicle does not choose to contest the violation, and chooses to avoid  
87 paying court costs. The date by which the civil penalty shall be paid  
88 shall not be more than thirty days after the issuance date of the  
89 violation, if a defense described in this section does not apply, or forty-  
90 five days after the issuance date of the violation if a defense described  
91 in this section requires the notice to be sent to another person.

92 (f) Any challenge to the implementation of an automated traffic  
93 enforcement safety device or adoption of an ordinance under this  
94 section shall be brought within thirty days of passage of the ordinance.

95 (g) It is a defense in a proceeding to enforce an ordinance adopted  
96 under this section if the owner provides to the municipality, or agent  
97 for the municipality, an affidavit signed under the penalties of perjury  
98 which: (1) Establishes that, at the time of the alleged violation, the  
99 owner was engaged in the business of renting or leasing motor  
100 vehicles under written agreements; (2) establishes that, at the time of  
101 the alleged violation, the motor vehicle was in the care, custody or  
102 control of a person other than the owner or an employee of the owner  
103 of the motor vehicle or the vehicle being drawn by another motor  
104 vehicle, under a written agreement for the rental or lease of the motor  
105 vehicle or the vehicle being drawn by another motor vehicle, for a  
106 period of not more than sixty days; and (3) provides to the traffic  
107 authority, court or agent for the municipality the name and address of  
108 the person who was renting or leasing the motor vehicle or the vehicle  
109 being drawn by another motor vehicle at the time of the alleged  
110 violation.

111 (h) If the owner of a motor vehicle or a vehicle being drawn by  
112 another motor vehicle meets the requirements of subsection (g) of this  
113 section, the traffic authority, court or agent for the local municipality  
114 shall mail, or electronically transfer, a notice of the citation to the  
115 person identified as having the care, custody or control of the motor  
116 vehicle or the vehicle being drawn by another motor vehicle at the  
117 time of the violation. The proof required under said subsection (g) of

118 this section creates a rebuttable presumption that the person having  
119 the care, custody or control of the motor vehicle or the vehicle being  
120 drawn by another motor vehicle at the time of the violation was the  
121 operator of the motor vehicle at the time of the violation. The notice  
122 required under this subsection shall contain the following: (1) The  
123 information described in subsection (e) of this section; (2) a statement  
124 that the person receiving the notice was identified by the owner of the  
125 motor vehicle or the vehicle being drawn by another motor vehicle as  
126 the person having the care, custody or control of the motor vehicle at  
127 the time of the violation; and (3) a statement that a person may offer a  
128 defense as described in this subsection, or in subsection (g) or (i) of this  
129 section.

130 (i) It is a defense to a proceeding to enforce an ordinance adopted  
131 under this section if the owner provides to the traffic authority or court  
132 an affidavit signed under penalty of perjury stating either of the  
133 following: (1) That the owner was not operating the motor vehicle or  
134 the motor vehicle drawing another vehicle at the time of the alleged  
135 violation and provides the name and address of the person operating  
136 the motor vehicle or the motor vehicle drawing a vehicle at the time of  
137 the alleged violation; or (2) that either: (A) The motor vehicle, or (B) the  
138 license plate of the motor vehicle or the vehicle being drawn by  
139 another motor vehicle, was stolen before the alleged violation occurred  
140 and was not under the control or possession of the owner at the time of  
141 the alleged violation. In addition to such affidavit, the owner shall  
142 submit proof that a police report was filed concerning the stolen motor  
143 vehicle or stolen license plate.

144 (j) If the owner of a motor vehicle or a vehicle being drawn by  
145 another motor vehicle submits the evidence required under subsection  
146 (i) of this section, the traffic authority, court or agent for the local  
147 municipality shall mail a notice of the citation to the person identified  
148 as the person operating the motor vehicle at the time of the violation.  
149 The proof required under subsection (i) of this section creates a  
150 rebuttable presumption that the person identified in the affidavit  
151 required under subsection (i) of this section was the operator of the

152 motor vehicle at the time of the violation. The notice required under  
153 this subsection shall contain the following: (1) The information  
154 described in subsection (e) of this section; and (2) a statement that the  
155 person receiving the notice was identified by the owner of the motor  
156 vehicle as the person operating the motor vehicle at the time of the  
157 violation.

158 (k) It is a defense to a proceeding to enforce an ordinance adopted  
159 under this section if any of the following apply: (1) A person operating  
160 an authorized emergency vehicle may proceed past a red traffic control  
161 signal or traffic control device after slowing down as necessary for safe  
162 operation; (2) the traffic signal lights are not operating, and such is able  
163 to be observed on the recorded image; (3) the operator was complying  
164 with a lawful order or direction of a law enforcement officer, and such  
165 is able to be observed on the recorded image; (4) the operator was  
166 yielding right-of-way to an authorized emergency vehicle, and such is  
167 able to be observed on the recorded image; (5) the vehicle was  
168 participating in a funeral procession, and such is able to be observed  
169 on the recorded image; or (6) a traffic citation was issued to the  
170 operator of the motor vehicle for the violation by a state or local police  
171 officer.

172 (l) A designated employee or local police officer is not liable for any  
173 loss while acting within the scope of the employment of the designated  
174 employee or local police officer under this section or an ordinance  
175 adopted under this section.

176 (m) If it appears from the records of the local authority that has  
177 jurisdiction to enforce an ordinance adopted under this section that a  
178 person has failed to pay a violation before the deadlines established by  
179 this section without notification of an intent to contest the violation,  
180 the local authority shall send a notice to the person who is the  
181 registered owner of the motor vehicle or the vehicle being drawn by  
182 another motor vehicle. The notice shall inform the registered owner of  
183 the following: (1) That the local authority will send a referral to the  
184 Department of Motor Vehicles if the violation is not paid within thirty

185 days after the notice was mailed; and (2) that the referral will result in  
186 the nonrenewal of the registration of the motor vehicle or the vehicle  
187 being drawn by another motor vehicle, if the violation is not paid.

188 (n) A local authority shall send a referral to the Department of  
189 Motor Vehicles not later than thirty days after the notice required  
190 under this section was mailed if a violation of an ordinance adopted  
191 under this section has not been contested and has not been paid. The  
192 referral to the Department of Motor Vehicles shall include the  
193 following: (1) Any information known or available to the local  
194 authority concerning the license plate number and year of registration  
195 and the name of the owner of the motor vehicle or the vehicle being  
196 drawn by another motor vehicle; (2) the date on which the violation  
197 occurred; (3) the date when the notice required under this section was  
198 mailed; and (4) the seal of the local authority.

199 (o) If the Department of Motor Vehicles receives a referral under  
200 subsection (n) this section, the department shall refuse to renew the  
201 registration of the motor vehicle or the vehicle being drawn by another  
202 motor vehicle and shall mail a notice to the person in whose name the  
203 vehicle is registered that: (1) Informs the person that the registration of  
204 the vehicle will not be renewed and that the reason for the refusal to  
205 renew was the failure to pay an ordinance violation adopted under the  
206 authority of this section; and (2) explains what the person is required  
207 to do to have the registration reinstated.

208 (p) The Department of Motor Vehicles shall reinstate the registration  
209 of a vehicle that is not renewed under this section if any person  
210 presents the Department of Motor Vehicles with adequate proof that  
211 the violation has been paid and a reinstatement fee has been paid, if  
212 applicable.

213 (q) The chief executive officer of a municipality shall appoint one or  
214 more traffic control signal violation hearing officers, other than police  
215 officers or persons who work in the police department, to conduct the  
216 hearings authorized by this section.

217 (r) Any person who asserts a defense authorized by this section and  
218 who requests a hearing shall be given written notice of the date, time  
219 and place for the hearing. Such hearing shall be held not less than  
220 fifteen days or more than thirty days after the date of the mailing of  
221 notice, provided the hearing officer shall grant upon good cause  
222 shown any reasonable request by any interested party for  
223 postponement or continuance. An original or certified copy of the  
224 initial notice of violation shall be filed and retained by the  
225 municipality, be deemed to be a business record within the scope of  
226 section 52-180 of the general statutes and be evidence of the facts  
227 contained therein. A person wishing to contest such person's liability  
228 shall appear at the hearing and may present evidence in such person's  
229 behalf. The presence of the police officer who authorized the issuance  
230 of the citation shall be required at the hearing if such person so  
231 requests. A designated municipal official, other than the hearing  
232 officer, may present evidence on behalf of the municipality. If the  
233 person who requested the hearing fails to appear, the hearing officer  
234 may enter an assessment by default against such person upon a  
235 finding of proper notice and liability under the applicable ordinance or  
236 statute. The hearing officer may accept from such person copies of  
237 police reports, documents of the Department of Motor Vehicles and  
238 other official documents by mail and may determine thereby that the  
239 appearance of such person is unnecessary. The hearing officer shall  
240 conduct the hearing in the order and form and with such methods of  
241 proof as the hearing officer deems fair and appropriate. The rules  
242 regarding the admissibility of evidence shall not be strictly applied,  
243 but all testimony shall be given under oath or affirmation. The hearing  
244 officer shall announce the hearing officer's decision at the end of the  
245 hearing. If the hearing officer determines that the person is not liable,  
246 the hearing officer shall dismiss the matter and enter the hearing  
247 officer's determination in writing accordingly. If the hearing officer  
248 determines that the person is liable for the violation, the hearing officer  
249 shall forthwith enter and assess the fines, penalties, costs or fees  
250 against such person as provided by the applicable ordinances of the  
251 municipality.



252       Sec. 3. (NEW) (*Effective October 1, 2011*) Notwithstanding any  
253 provision of the general statutes, a violation of section 14-299 of the  
254 general statutes detected and recorded by an automated traffic control  
255 signal enforcement device pursuant to section 2 of this act shall not: (1)  
256 Constitute an infraction or violation; (2) be processed by the  
257 Centralized Infractions Bureau; (3) be considered a moving traffic  
258 violation; (4) be reported to the Department of Motor Vehicles for  
259 inclusion on a person's driving record; or (5) cause the assessment of  
260 points against the operator's license of the person found to have  
261 violated section 14-299 of the general statutes, provided the failure of  
262 the person determined to have been the operator of the motor vehicle  
263 or the vehicle being drawn by another motor vehicle at the time of the  
264 violation, to pay the civil penalty shall be reported to the Department  
265 of Motor Vehicles and the department shall refuse to renew the  
266 registration of the vehicle operated in violation of section 14-299 of the  
267 general statutes.

268       Sec. 4. (NEW) (*Effective October 1, 2011*) Not later than October 1,  
269 2012, or twelve months following the date of implementation of an  
270 automated traffic enforcement safety device program by a  
271 municipality, each municipality that has installed such a device and  
272 has been operating such a program shall submit a report to the  
273 committee on Legislative Program Review and Investigations. Such  
274 report shall include a comparison and analysis of: (1) The number of  
275 violations of section 14-299 of the general statutes that occurred at the  
276 intersections where such automated traffic control signal enforcement  
277 devices were used, prior to and during the use of such enforcement  
278 devices; (2) the number and type of related traffic violations and  
279 accidents that occurred at such intersections prior to and during the  
280 use of such devices; and (3) the number of violations of section 14-299  
281 of the general statutes and related violations and accidents that  
282 occurred at intersections where such control signal enforcement  
283 devices were used and at similar intersections where such automated  
284 traffic control signal enforcement devices were not used. The report  
285 shall also describe situations in which (A) camera results could not be

286 used or were not used; (B) the number of leased, out-of-state or other  
287 vehicles, including trucks, where enforcement efforts were  
288 unsuccessful; (C) the amount of revenue from fines retained by the  
289 municipality; (D) the cost of such program to the municipality; and (E)  
290 such other data or comparisons deemed of interest or importance by  
291 the municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	New section

***Statement of Legislative Commissioners:***

Technical changes were made for accuracy and clarity.

***TRA***      *Joint Favorable Subst.-LCO*